

1 LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo (Bar No. 144074)

2 dalekgalipo@yahoo.com

Eric Valenzuela (Bar No. 284500)

3 evalenzuela@galipolaw.com

21800 Burbank Boulevard, Suite 310

4 Woodland Hills, California 91367

Telephone: (818) 347-3333

5 Facsimile: (818) 347-4118

6 Southern California Lawyers Group, PC

Eric C. Morris (Bar No. 243425)

7 emorris@lawsclg.com

5861 Pine Avenue, Suite A1

8 Chino Hills, CA 91709

Telephone: (909) 466-4400

9 Facsimile: (909) 839-5004

10 Attorneys for Plaintiff

11  
12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 GRACIELA HERRERA,

16 Plaintiff,

17 vs.

18 CITY OF LOS ANGELES; and DOES  
19 1-10, inclusive,

20 Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
3. Substantive Due Process—(42  
U.S.C. § 1983)
4. Municipal Liability for  
Unconstitutional Custom, Practice,  
or Policy (42 U.S.C. § 1983)
5. Battery (Wrongful Death)
6. Negligence (Wrongful Death)
7. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**



1           5.     At all relevant times, Defendants DOES 1-10 were duly authorized  
2 employees and agents of CITY, who were acting under color of law within the  
3 course and scope of their respective duties as police officers and with the complete  
4 authority and ratification of their principal, Defendant CITY.

5           6.     At all relevant times, Defendants DOES 1-10 were duly appointed  
6 officers and/or employees or agents of CITY, subject to oversight and supervision  
7 by CITY's elected and non-elected officials.

8           7.     In doing the acts and failing and omitting to act as hereinafter  
9 described, Defendants DOES 1-10 were acting on the implied and actual permission  
10 and consent of CITY.

11          8.     At all times mentioned herein, each and every CITY defendant was the  
12 agent of each and every other CITY defendant and had the legal duty to oversee and  
13 supervise the hiring, conduct and employment of each and every CITY defendant.

14          9.     The true names of defendants DOES 1 through 10, inclusive, are  
15 unknown to Plaintiffs, who therefore sue these defendants by such fictitious names.  
16 Plaintiffs will seek leave to amend this complaint to show the true names and  
17 capacities of these defendants when they have been ascertained. Each of the  
18 fictitious named defendants is responsible in some manner for the conduct and  
19 liabilities alleged herein.

20          10.    On February 26, 2016, Plaintiffs filed comprehensive and timely claims  
21 for damages with CITY pursuant to applicable sections of the California  
22 Government Code.

23          11.    On March 15, 2016, CITY rejected Plaintiffs' claims for damages.

24                   **JURISDICTION AND VENUE**

25          12.    This civil action is brought for the redress of alleged deprivations of  
26 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
27 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
28 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

1           13. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
2 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
3 action occurred in, the County of Los Angeles, California.  
4

5                           **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

6           14. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
7 through 13 of this Complaint with the same force and effect as if fully set forth  
8 herein.

9           15. On or about December 19, 2015, DECEDENT was on his property in  
10 front of his home near the 1600 block of West 206<sup>th</sup> Street, in the City of Torrance,  
11 California.

12           16. While on his property and in front of his apartment, officers from the  
13 Los Angeles Police Department (“LAPD”), made contact with Decedent regarding a  
14 call for service they received about some people throwing bottles. Decedent had not  
15 been involved in throwing any bottles and the involved officers had no information  
16 that Decedent was in fact involved in the throwing any bottles.

17           17. After initially making contact with the Decedent, the involved officers  
18 used excessive force against Decedent, including punching him and slamming him  
19 to the ground.

20           18. While the involved offices were taking Decedent into custody,  
21 PLAINTIFF exited from inside her apartment and informed the involved officers  
22 that DECEDENT suffered from mental illness.

23           19. As a result of the encounter with DECEDENT and the involved LAPD  
24 officers, paramedics were summoned to the scene to treat DECEDENT. After  
25 receiving treatment, DECEDENT was transported by ambulance to Harbor-UCLA  
26 Medical Center in Torrance, California.  
27  
28

1           20. Prior to DECEDENT being transported from his home to Harbor-UCLA  
2 Medical Center, the involved officers were on notice that DECEDENT suffered  
3 from a pre-existing mental condition, specifically bipolar.

4           21. After being transported to Harbor-UCLA Medical Center, DECEDENT  
5 was fatally shot by members of the LAPD while DECEDENT was still inside of the  
6 hospital.

7           22. At the time of the shooting DECEDENT did not pose an immediate  
8 threat of death and serious bodily injury, to the involved officers or anyone else and  
9 there were less than lethal options available to the involved officers. Further,  
10 DECEDENT did not cause serious bodily injury to the involved officers, or anyone  
11 else, prior to the shooting.

12           23. As a result of the foregoing, DECEDENT suffered intense physical and  
13 emotional pain, anguish, distress and despair, and death, including the loss of  
14 enjoyment of his life.

15           24. The involved LAPD officers are responsible for the DECEDENT's  
16 injuries either because they were personally involved, because they were integral  
17 participants or because they failed to intervene.

18           25. On information and belief, Defendants had no information that  
19 DECEDENT had committed a felony.

20  
21                                   **FIRST CLAIM FOR RELIEF**

22           **Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)**

23                                   (Against Defendants DOES 1-4)

24           26. PLAINTIFF repeats and realleges each and every allegation in  
25 paragraphs 1 through 25 of this Complaint with the same force and effect as if fully  
26 set forth herein.

27           27. Defendants DOES 1-4 caused DECEDENT to be detained and arrested  
28 in violation of his right to be secure in his person against unreasonable searches and

1 seizures as guaranteed to DECEDENT under the Fourth Amendment to the United  
2 States Constitution and applied to state actors by the Fourteenth Amendment.

3 28. As a result of the conduct of DOES 1-4, they are liable for  
4 DECEDENT's injuries, either because they were an integral participants in the  
5 wrongful detention and arrest, or because they failed to intervene to prevent these  
6 violations.

7 29. The DECEDENT was detained without reasonable suspicion and  
8 arrested without probable cause.

9 30. The conduct of DOES 1-4 was willful, wanton, malicious, and done  
10 with reckless disregard for the rights and safety of DECEDENT and therefore  
11 warrants the imposition of exemplary and punitive damages as to Defendants DOES  
12 1-4.

13 31. PLAINTIFF seeks damages as successor-in-interest to DECEDENT.

14 32. Plaintiffs also seek attorney fees under this claim.

15 **SECOND CLAIM FOR RELIEF**

16 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

17 (Against Defendants DOES 1-4)

18 33. PLAINTIFF repeats and realleges each and every allegation in  
19 paragraphs 1 through 32 of this Complaint with the same force and effect as if fully  
20 set forth herein.

21 34. DOES1-2's unjustified shooting deprived DECEDENT of his right to  
22 be secure in his persons against unreasonable searches and seizures as guaranteed to  
23 DECEDENT under the Fourth Amendment to the United States Constitution and  
24 applied to state actors by the Fourteenth Amendment.

25 35. The unreasonable use of force by Defendant DOES 1-2 deprived the  
26 DECEDENT of his right to be secure in his person against unreasonable searches  
27 and seizures as guaranteed to DECEDENT under the Fourth Amendment to the  
28 United States Constitution and applied to state actors by the Fourteenth Amendment.

1           36. As a result, DECEDENT suffered extreme pain and suffering and  
2 eventually suffered a loss of life and of earning capacity. Plaintiff has also been  
3 deprived of the life-long love, companionship, comfort, support, society, care, and  
4 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
5 her natural life. Plaintiff is also claiming funeral and burial expenses and a loss of  
6 financial support.

7           37. As a result of the conduct of DOES 1-2, they are liable for  
8 DECEDENT's injuries, either because they were integral participants in the  
9 excessive force, or because they failed to intervene to prevent these violations.

10           38. This use of deadly force was excessive and unreasonable under the  
11 circumstances, especially since DECEDENT was not an immediate threat of death  
12 and serious bodily injury to the involved officers or anyone else at the time of the  
13 shooting. Further, DECEDENT did not cause serious bodily injury to the involved  
14 officers or anyone else prior to being fatally shot. Defendants' actions thus deprived  
15 DECEDENT of his right to be free from unreasonable searches and seizures under  
16 the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

17           39. The conduct of DOES 1-2 was willful, wanton, malicious, and done  
18 with reckless disregard for the rights and safety of DECEDENT and therefore  
19 warrants the imposition of exemplary and punitive damages as to Defendants DOES  
20 1-2.

21           40. PLAINTIFF brings this claim as successor-in-interest to the  
22 DECEDENT, and seek both survival and wrongful death damages for the violation  
23 of DECEDENT's rights.

24           41. PLAINTIFF also seek attorney fees under this claim.  
25  
26  
27  
28

**THIRD CLAIM FOR RELIEF**

**Substantive Due Process (42 U.S.C. § 1983)**

(Against Defendant DOES 1-4)

42. PLAINTIFF repeats and realleges each and every allegation in paragraphs 1 through 41 of this Complaint with the same force and effect as if fully set forth herein.

43. PLAINTIFF had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive her of life, liberty, or property in such a manner as to shock the conscience, including but not limited to, unwarranted state interference in Plaintiff's familial relationship with her son, DECEDENT.

44. DECEDENT had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of his right to life, liberty, or property in such a manner as to shock the conscience.

45. As a result of the excessive force by DOE 1, and failure of DOE 2 to intervene, DECEDENT died. PLAINTIFF was thereby deprived of her constitutional right of familial relationship with DECEDENT.

46. Does 1-2, acting under color of state law, thus violated the Fourteenth Amendment rights of PLAINTIFF to be free from unwarranted interference with their familial relationship with DECEDENT.

47. The aforementioned actions of DOES 1-2, along with other undiscovered conduct, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

48. Defendants DOES 1-2, acting under color of state law, thus violated the Fourteenth Amendment rights of DECEDENT and PLAINTIFF.



1           49. As a direct and proximate cause of the acts of DOES 1-2, DECEDENT  
2 experienced severe pain and suffering and lost his life and earning capacity.  
3 PLAINTIFF suffered extreme and severe mental anguish and pain and have been  
4 injured in mind and body. PLAINTIFF has also been deprived of the life-long love,  
5 companionship, comfort, support, society, care and sustenance of DECEDENT, and  
6 will continue to be so deprived for the remainder of her natural life. PLAINTIFF is  
7 also claiming funeral and burial expenses and a loss of financial support.

8           50. As a result of the conduct of Does 1-2, they are liable for  
9 DECEDENT'S injuries, either because they were integral participants in the denial  
10 of due process, or because they failed to intervene to prevent these violations.

11           51. The conduct of DOES 1-2 was willful, wanton, malicious, and done  
12 with reckless disregard for the rights and safety of DECEDENT and PLAINTIFF  
13 and therefore warrants the imposition of exemplary and punitive damages as to  
14 Defendant DOES 1-2.

15           52. PLAINTIFF brings this claim individually and as a successors-in-  
16 interest to DECEDENT, and seek both survival and wrongful death damages for the  
17 violation of both PLAINTIFF's and DECEDENT's rights.

18           53. PLAINTIFF also seek attorney fees under this claim.  
19

#### 20                                   **FOURTH CLAIM FOR RELIEF**

##### 21           **Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

22                                   (Against Defendants DOES 5-10 and CITY)

23           54. PLAINTIFF repeats and realleges each and every allegation in  
24 paragraphs 1 through 53 of this Complaint with the same force and effect as if fully  
25 set forth herein.

26           55. On information and belief Defendant DOES 1-2's shooting of  
27 DECEDENT, who was shot at the hospital after he just finished being treated there,  
28 who had not caused serious bodily injury to anyone prior to being fatally shot and

1 who was not an immediate threat of death or serious bodily injury at the time of the  
2 shooting, was found to be within CITY Police Department policy.

3 56. On information and belief Defendant DOES 1-2's shooting of  
4 DECEDENT, who was shot at the hospital after he just finished being treated there,  
5 who had not caused serious bodily injury to anyone prior to being fatally shot and  
6 who was not an immediate threat of death or serious bodily injury at the time of the  
7 shooting, was ratified by CITY Police Department supervisory officers.

8 57. On information and belief Defendant Does 1-2 were not disciplined for  
9 fatally shooting DECEDENT, who was shot at the hospital after he just finished  
10 being treated there, who had not caused serious bodily injury to anyone prior to  
11 being fatally shot and who was not an immediate threat of death or serious bodily  
12 injury at the time of the shooting.

13 58. In 2015 alone, there were 21 officer-involved shootings involving the  
14 LAPD. On information and belief, the majority of, if not all of the 21 fatal officer-  
15 involved shootings which occurred in 2015, were found to be within CITY Police  
16 Department policy, were ratified by CITY Police Department supervisory officers  
17 and the involved officers were not disciplined.

18 59. On and for some time prior to December 19, 2015 (and continuing to  
19 the present date) Defendants DOES 5-10, deprived PLAINTIFF and DECEDENT of  
20 the rights and liberties secured to them by the Fourth and Fourteenth Amendments  
21 to the United States Constitution, in that said defendants and their supervising and  
22 managerial employees, agents, and representatives, acting with gross negligence and  
23 with reckless and deliberate indifference to the rights and liberties of the public in  
24 general, and of Plaintiffs and DECEDENT, and of persons in their class, situation  
25 and comparable position in particular, knowingly maintained, enforced and applied  
26 an official recognized custom, policy, and practice of:

- 27 (a) Employing and retaining as police officers and other personnel,  
28 including DOES 1-2, who Defendants DOES 5-10, at all times

- 1 material herein knew or reasonably should have known had  
2 dangerous propensities for abusing their authority and for  
3 mistreating citizens by failing to follow written CITY Police  
4 Department's policies, including the use of excessive force;
- 5 (b) Of inadequately supervising, training, controlling, assigning, and  
6 disciplining CITY Police Officers, and other personnel,  
7 including DOES 1-2, who Defendants CITY knew or in the  
8 exercise of reasonable care should have known had the  
9 aforementioned propensities and character traits, including the  
10 propensity for violence and the use of excessive force;
- 11 (c) By maintaining grossly inadequate procedures for reporting,  
12 supervising, investigating, reviewing, disciplining and  
13 controlling the intentional misconduct by Defendant DOES 1-2,  
14 who are Police Officers of CITY;
- 15 (d) By failing to discipline CITY Police Officers' conduct, including  
16 but not limited to, unlawful detention and excessive force;
- 17 (e) By ratifying the intentional misconduct of Defendant DOES 1-2,  
18 who are Police Officers of CITY;
- 19 (f) By having and maintaining an unconstitutional policy, custom,  
20 and practice of detaining and arresting individuals without  
21 probable cause or reasonable suspicion, and using excessive  
22 force, including deadly force, which also is demonstrated by  
23 inadequate training regarding these subjects. The policies,  
24 customs, and practices of DOES 5-10, were done with a  
25 deliberate indifference to individuals' safety and rights;
- 26 (g) By failing to properly investigate claims of unlawful detention  
27 and excessive force by CITY Police Officers; and  
28

1 (f) Of totally inadequate training with respect to dealing with  
2 individuals with mental illness.

3 60. By reason of the aforementioned policies and practices of Defendants  
4 DOES 5-10, DECEDENT was severely injured and subjected to pain and suffering  
5 and lost his life.

6 61. Defendants DOES 5-10, together with various other officials, whether  
7 named or unnamed, had either actual or constructive knowledge of the deficient  
8 policies, practices and customs alleged in the paragraphs above. Despite having  
9 knowledge as stated above these defendants condoned, tolerated and through actions  
10 and inactions thereby ratified such policies. Said defendants also acted with  
11 deliberate indifference to the foreseeable effects and consequences of these policies  
12 with respect to the constitutional rights of DECEDENT, PLAINTIFF, and other  
13 individuals similarly situated.

14 62. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
15 conduct and other wrongful acts, Defendants DOES 5-10, acted with an intentional,  
16 reckless, and callous disregard for the life of DECEDENT, and DECEDENT's and  
17 PLAINTIFF's constitutional rights. Defendants DOES 5-10, each of their actions  
18 were willful, wanton, oppressive, malicious, fraudulent, and extremely offensive and  
19 unconscionable to any person of normal sensibilities.

20 63. Furthermore, the policies, practices, and customs implemented and  
21 maintained and still tolerated by Defendants DOES 5-10, were affirmatively linked  
22 to and were a significantly influential force behind the injuries of DECEDENT and  
23 PLAINTIFF.

24 64. By reason of the aforementioned acts and omissions of Defendants  
25 DOES 5-10, Plaintiffs were caused to incur funeral and related burial expenses, and  
26 loss of financial support.



1 love, companionship, comfort, support, society, care and sustenance of  
2 DECEDENT, and will continue to be so deprived for the remainder of her natural  
3 life. PLAINTIFF is claiming funeral and burial expenses and a loss of financial  
4 support.

5 72. CITY is vicariously liable for the wrongful acts of DOES 1-2 pursuant  
6 to section 815.2(a) of the California Government Code, which provides that a public  
7 entity is liable for the injuries caused by its employees within the scope of the  
8 employment if the employee's act would subject him or her to liability.

9 73. The conduct of DOES 1-2 was malicious, wanton, oppressive, and  
10 accomplished with a conscious disregard for the rights of PLAINTIFF and  
11 DECEDENT, entitling PLAINTIFF, individually and as successors-in-interest to  
12 DECEDENT, to an award of exemplary and punitive damages.

13 74. PLAINTIFF brings this claim as a successor-in-interest to  
14 DECEDENT, and seek wrongful death damages.

15 75. PLAINTIFF is seeking wrongful death damages under this claim.  
16

17 **SIXTH CLAIM FOR RELIEF**  
18 **Negligence (Cal. Govt. Code § 820 and California Common Law)**  
19 **(Wrongful Death)**  
20 **(Against All Defendants)**

21 76. PLAINTIFF repeats and realleges each and every allegation in  
22 paragraphs 1 through 75 of this Complaint with the same force and effect as if fully  
23 set forth herein.

24 77. The actions and inactions of the Defendants were negligent and  
25 reckless, including but not limited to:

- 26 (a) the failure to properly and adequately assess the need to detain,  
27 arrest, and use force or deadly force against DECEDENT;  
28

- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent tactics and handling of the situation involving an individual who is known to be suffering from a pre-existing mental condition such as DECEDENT;
- (d) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including DOES 1-2
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT; and
- (g) the negligent handling of evidence and witnesses.

78. As a direct and proximate result of defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died and lost earning capacity. Also as a direct and proximate result of defendants' conduct as alleged above, PLAINTIFF suffered extreme and severe mental anguish and pain and has been injured in mind and body. PLAINTIFF also has been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of her natural life. PLAINTIFF is also claiming funeral and burial expenses and a loss of financial support.

79. CITY is vicariously liable for the wrongful acts of DOES 1-10 pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

80. PLAINTIFF brings this claim as a successor-in-interest to DECEDENT, and seeks wrongful death damages.



1 81. PLAINTIFF is seeking wrongful death damages under this claim.  
2  
3

4 **SEVENTH CLAIM FOR RELIEF**  
5 **Violation of Bane Act (Cal. Civil Code § 52.1)**  
6 **(Against All Defendants)**

7 82. PLAINTIFF repeats and realleges each and every allegation in  
8 paragraphs 1 through 81 of this Complaint with the same force and effect as if fully  
9 set forth herein.

10 83. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
11 person from interfering with another person's exercise or enjoyment of his  
12 constitutional rights by threats, intimidation, or coercion.

13 84. Conduct that violates the Fourth Amendment violates the California  
14 Bane Act.<sup>1</sup>

15 85. Defendant DOES 1-2 use of deadly force was excessive and  
16 unreasonable under the circumstances, especially since DECEDENT had just been  
17 treated at the hospital where he was shot, DECEDENT did not inflict serious bodily  
18 injury on anyone prior to being shot and DECEDENT was not a threat of death or  
19 serious bodily injury at the time of the shooting. Defendants' actions thus deprived  
20 DECEDENT of his right to be free from unreasonable searches and seizures under  
21 the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

22 86. DOES 1-2, while working as Police Officers for the CITY police  
23 department, and acting within the course and scope of their duties, interfered with or  
24 attempted to interfere with the rights of DECEDENT to be free from unreasonable  
25 searches and seizures, to equal protection of the laws, to access to the courts, and to  
26

---

27 <sup>1</sup> See *Chaudhry v. City of Los Angeles*, 2014 WL 2030195, at \* 6 (9th Cir. May  
28 19, 2014) (citing *Cameron v. Craig*, 713 F.3d 1012, 1022 (9th Cir. 2013).



1 be free from state actions that shock the conscience, by threatening or committing  
2 acts involving violence, threats, coercion, or intimidation.

3 87. On information and belief, DECEDENT reasonably believed that if he  
4 exercised his rights, including his civil rights, DOES 1-2 would commit acts  
5 involving violence, threats, coercion, or intimidation against them or their property.

6 88. On information and belief Defendant DOES 1-2 injured DECEDENT  
7 to prevent him from exercising his rights or retaliated against DECEDENT for  
8 having exercised his rights.

9 89. DECEDENT was caused to suffer extreme pain and suffering and  
10 eventually suffered a loss of life and of earning capacity. PLAINTIFF has also been  
11 deprived of the life-long love, companionship, comfort, support, society, care, and  
12 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
13 her natural life. PLAINTIFF is also claiming funeral and burial expenses and a loss  
14 of financial support.

15 90. The conduct of DOES 1-2 was a substantial factor in causing the  
16 harms, losses, injuries, and damages of DECEDENT and PLAINTIFF.

17 91. CITY is vicariously liable for the wrongful acts of DOES 1-2 pursuant  
18 to section 815.2(a) of the California Government Code, which provides that a public  
19 entity is liable for the injuries caused by its employees within the scope of the  
20 employment if the employee's act would subject him or her to liability.

21 92. The conduct of DOES 1-2 was malicious, wanton, oppressive, and  
22 accomplished with a conscious disregard for the rights of DECEDENT entitling  
23 PLAINTIFF to an award of exemplary and punitive damages.

24 93. PLAINTIFF brings this claim as successor-in-interest to the  
25 DECEDENT, and seek both survival and wrongful death damages for the violation  
26 of DECEDENT's rights

27 94. The PLAINTIFF also seeks attorney fees under this claim.  
28

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests entry of judgment in her favor and against Defendants City of Los Angeles, and Does 1-10, inclusive, as follows:

- A. For compensatory damages in excess of \$5,000,000, including both survival damages and wrongful death damages under federal and state law, in the amount to be proven at trial;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For reasonable costs of this suit and attorneys' fees; and
- F. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 20, 2016

LAW OFFICES OF DALE K. GALIPO

By s/ Dale K. Galipo

Dale K. Galipo  
Eric Valenzuela  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: April 20, 2016

LAW OFFICES OF DALE K. GALIPO

By s/ Dale K. Galipo

Dale K. Galipo  
Eric Valenzuela  
Attorneys for Plaintiffs